

REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON June 20, 2016 IN THE COMMISSION ROOM AT CITY HALL IN WILLISTON, NORTH DAKOTA.

Chairman Aafedt called the meeting to order at 5:30pm. Roll Call was taken. A Quorum was present.

MEMBERS PRESENT: Christensen, Hansen, Boyeff, Maristuen, Bauer, Long, Aafedt

MEMBERS ABSENT:

OTHERS PRESENT: Kent Jarcik, Planning Director; Rachel Laqua, Principal Planner; Josephine Ching, Staff Planner; Christine Edwards, P&Z Office Manager; David Tuan, Public Works Director; Jordon Evert, Assist. City Attorney, Howard Klug, President of City Commission.

DISPOSITION OF MINUTES:

- Minutes were approved for May 16, 2016 regular meeting.

MOTION BY MARISTUEN, SECOND BY HANSEN to approve minutes as presented.
CARRIED ON VOICE CALL.

- Minutes were approved for May 31, 2016 special meeting.

MOTION BY CHRISTENSEN, SECOND BY LONG to approve minutes as presented.
CARRIED ON VOICE CALL

COMMUNICATION:

- A. Aafedt stated that because of some Public Hearing items that run together with the first item of New Business that the Staff would like to take care of the one item of Unfinished Business at this time so that the other items can be presented, discussed and dealt with without interruption.

MOTION BY CHRISTENSEN, SECOND BY MARISTUEN to change the order of the agenda as suggested. CARRIED ON VOICE CALL.

Short plat for rearrangement of an 11.91 acre parcel in the SW1/4NW1/4 of Section 22, T154N, R101W, into two sublots, north of Hwy 2/85 and east of 27th Ave W and a zone change for the entire property from A: Agricultural to C-2: General Commercial - Martin Reiger/Jeff Ames

Laqua asked that this item be tabled again and stated that the applicant is still working on correcting some lot line issues with the City Engineer and expect to bring this forward soon.

MOTION BY MARISTUEN, SECOND BY HANSEN, to table this item for a future Planning Commission Meeting. CARRIED ON VOICE CALL

- B. Planning article of the month; no discussion.

PUBLIC HEARINGS:

A. Proposed Ordinance 1048, amending Ordinance 999 to allow Temporary Use Permits in M-2:Heavy Industrial and Agricultural zones in the City of Williston – Staff

Aafedt introduced Item A of Public Hearings (as above) and asked Laqua to introduce. Laqua explained that in September of 2014, the City Commission passed Ordinance 999, regulating transient merchants, mobile businesses, and temporary use permits.

In this ordinance, temporary use permits (TUPs) were allowed to be issued for properties in C-1: Neighborhood Commercial, C-2: General Commercial, C-3: Restricted Commercial, and M-1: Light Industrial. Temporary uses were also allowed to use 16 square feet of signage.

Ordinance 1048 would amend Ordinance 999 by changing the following items:

1. Allowing TUPs to be issued in Agricultural and M-2: Heavy Industrial zones.
 - a. *With the expansion of the ETJ, there are numerous properties along main roads which are zoned Agriculture or M-2. There is potential for these to be used for Temporary Use Permits, and it seems reasonable to expand the ordinance to reflect this.*
2. Allowing up to 32 square feet of signage.
 - a. *As has been discussed in various meetings regarding the City's sign ordinance, 16 square feet is a very limited amount of signage with which to advertise for a business event. This regulation would not be dealt with in the proposed sign ordinance, which is why it is being proposed with this amendment to Ordinance 999.*
3. Better reflecting State regulations by clarifying that EITHER a State Sales Tax Permit OR a State Transient Merchant License is required, NOT both, as is stated in Ordinance 999.

At the ad hoc committee meeting held on June 6th, 2016, there were no concerns with this amendment.

Laqua stated that this amendment, along with Planning and Zoning Commission's recommendation, would go to Public Hearing at City Commission, scheduled for June 28, 2016, and a second reading of the ordinance by the City Commission would be at some time after that.

Aafedt opened the public hearing and called three times for public input. Hearing none she closed the public hearing and asked for discussion or motion from the Commission. Commissioner Maristuen asked Laqua if the signage for Temporary Use Permits (TUP) has been overlooked in previous sign ordinance amendments. Laqua explained that Ordinance 999 is a self-contained ordinance and signage for the TUP is only addressed within the TUP ordinance.

MOTION BY MARISTUEN, SECOND BY HANSEN, to recommend to the City Commission approval of Proposed Ordinance 1048, amending Ordinance 999 to allow Temporary Use Permits in M-2:Heavy Industrial and Agricultural zones in the City of Williston. AYES: Christensen, Hansen, Bauer, Long, Boyeff, Maristuen, Aafedt. NAYS: None ABSENT/NOT VOTING: None ABSTAINED: None.

B. Short Plat to plat an unplatted parcel of land in the SW1/4 SW1/4, Sec. 1, T154N R101W, (110 42nd St. W) City of Williston – 110 42nd St. W, LLC/Petroleum Field Services, LLC

Aafedt introduced Item B of Public Hearings (as above) and asked Ching to introduce. Ching stated the applicant requests a short plat in the SW ¼ SW ¼, Section 1, T154N R101W. This plat is a required

as a condition of a previous zone change to C-2: General Commercial. (Planning & Zoning Commission in May 2015 and City Commission in June 2015)

Ching stated that the lot meets the district size requirements for C-2: General Commercial based on Ordinance 1016, which eliminated a district size requirement for C-2: General Commercial in the intended transition area along the Highway 2/85 corridor.

Along with a plat being recorded, other conditions of the zone change included:

1. Providing additional parking spaces which could be accessed only from the south side (42nd St) of the property.
2. Installing street trees along 42nd St as per landscaping ordinance
3. Applicant working with Engineering Department to remove the east curb cut from the current circular drive.
4. All parking must be paved with concrete or hot-mix asphalt.

Ching explained that the lot will be served by City water and sewer and the property will take access on 42nd Street West, and may not access 43rd St. to the north.

At the hoc committee meeting held on June 6th, 2016, discussion included:

Site Plan: Applicant will have to provide an updated site plan that shows the additional parking spaces that will take access only from 42nd Street. *Note: Applicant has provided a site plan that shows the proposed parking spaces. The site plan was provided in the Commission packets.*

Ching concluded her presentation. Aafedt opened the public hearing and called three times for any public input; hearing none she closed the public hearing and asked for discussion or motion from the Commission.

Commissioner Christensen asked Ching if all parking was to be paved and Ching stated that it did. Christensen pointed out that the site plan shows two graveled parking spaces. Ching said that the applicant would be directed that all parking must be paved with concrete or hot mix asphalt.

Commissioner Boyeff questioned a noted 10 ft. width of land on the east side of this site and asked what that was. Laqua answered that is part of the neighboring Allerd property that is not part of this plat.

MOTION BY LONG, SECOND BY CHRISTENSEN, to approve the Short Plat to plat an unplatted parcel of land in the SW1/4 SW1/4, Sec. 1, T154N R101W, (110 42nd St. W) City of Williston, contingent on addressing all staff comments and paving all parking spaces. AYES: Christensen, Hansen, Bauer, Long, Boyeff, Maristuen, Aafedt. NAYS: None. ABSENT/NOT VOTING: None ABSTAINED: None.

C. Zone change for Northern States Completion properties in Williston Township that lay within the City's extra-territorial jurisdiction of the City of Williston – Staff

Aafedt introduced Item C of Public Hearings (as above) and asked Ching to introduce. Ching reminded the Commission that this property, Lot 2R, a Rearrangement of Sublot 10 in Lots 1 & 5, Section 30, T154N R101W, owned by Northern States Completion, was included in the rezone of the City's one-mile extra-territorial jurisdiction (ETJ) in Williston Township and was tabled at the April and

May Planning and Zoning Commission meetings to allow the owner to clarify the zoning with the County.

Activity Since April's Planning and Zoning Meeting

Kevin Johnson went to the County Planning Commission and County Commission to ratify the zoning of the property. Planning staff has received a letter from the County stating the property was zoned Industrial by the County. The letter was provided in the Commission packets.

Ching stated that the City would recommend honoring the County zoning and rezoning to City M-2: Heavy Industrial and concluded her presentation. Aafedt opened the public hearing and called for any public input. After making a second and third call and hearing no public comment Aafedt closed the public hearing and asked for discussion or motion from the Commission.

MOTION BY BOYEFF, SECOND BY HANSEN, to recommend to the City Commission approval of the Zone Change from County Industrial to City M-2: Heavy Industrial for Northern States Completion properties in Williston Township within the City's extra-territorial jurisdiction. AYES: Christensen, Hansen, Bauer, Long, Boyeff, Maristuen, Aafedt. NAYS: None ABSENT/NOT VOTING: None. ABSTAINED: None.

- D. Zone Change from C-2: General Commercial to M-1: Light Industrial for a 22.63 acre parcel, Sublot 10 in the NWSE, Sec. 20, T154N, R100W, (18 37th Ave. W) in the extra-territorial jurisdiction to the City of Williston – Ian Vestal

Aafedt introduced Item D of Public Hearings (as above) and asked Ching to introduce. Ching said the applicant requests to rezone Sublot 10 in NW ¼ SE ¼, Section 20 T154N R100W from C-2: General Commercial to M-1: Light Industrial for the use of a temporary concrete batch plant. This would be an allowable use in the M-1 zone.

The owner is currently using the lot for personal storage. Ching stated that other potential uses allowed in the M-1 zone are gas stations, and contractor or commercial service business. Because this property is located south and east of heavy industrial properties and adjacent to HWY 1804, it would be appropriate for this property to be zoned M-1.

Ching explained that Stony Creek Elementary School is located south of Sublot 10 and that there is an existing tree row at the top of a significant grade difference between the property and Stony Creek Elementary School. Depending on the use of the Sublot 10, this could be an appropriate buffer. Heavier uses may require additional buffering at time of development.

This property was previously zoned from Agriculture to C-2: General Commercial in 2011 for an office complex for oil company customers. At the time, there were concerns regarding the traffic and the safety of the children and staff at Stony Creek Elementary School.

The property will be served by septic and rural water and takes access from 133rd Drive NW.

Ching stated that at the ad hoc committee meeting held on June 6th, 2016, discussion included:

School: Because this property is located adjacent to the school, the school might have concerns in regard to this rezone. The applicant noted that there is a possibility that the school will move to another

location. *Note: Staff has notified the contact on file at the school district concerning the rezone. We have received no comment from the school district.*

Access Point: City Engineer noted the existing access into the property from 133rd Drive NW may need to move further south due the potential that the DOT may require a larger right-of-way at the corner of HWY 1804 and 133rd Dr. NW.

Ching also said that City Engineer Hanson had mentioned the potential batch plant could be used for City street projects.

Ching stated that this request would be taken forward to the City Commission on June 28, 2016. She concluded her presentation and said that Planning and Zoning Director Jarcik had something to add. Jarcik told the Commission that he had received a phone call from Darrell Hinderer prior to this meeting. Mr. Hinderer had previously applied for a zone change to M-2: Heavy Industrial for property further south of project where it would be surrounded by agriculture and large lot residential and was denied that zone change. Mr. Hinderer felt there was unfair treatment of allowing this zone change application. Jarcik stated that the property being discussed at this meeting met M-2 zoning on the west and north sides. Its current C-2:General Commercial zoning and location limited its potential use and the requested M-1:Light Industrial zone fits the future land use map. Jarcik added that Mr. Hinderer was welcome to re-apply for a zone change if he wished to do so.

Aafedt opened the public hearing and asked for any public input. After calling a second and third time and hearing no public comment she closed the public hearing and asked for discussion or motion from the Commission.

Commissioner Maristuen asked the applicant what their timeline was for development of this project. Ian Vestal, the applicant, stated that the group initially interested in this project had since found another location but he is in talks with a second group. He said they would be a small, seasonal operation. Their set-up is mobile and would be quick when a decision is made. Vestal added that he has been in contact with the NDDOT and believed the beginning on the Hwy 1804 project north of this site would begin quickly.

MOTION BY BOYEFF, SECOND BY MARISTUEN, to recommend to the City Commission approval of the Zone Change from C-2:General Commercial to M-1:Light Industrial for a 22.63 acre parcel, Sublot 10 in the NWSE, Sec. 20, T154N, R100W, (18 37th Ave. W) in the extra-territorial jurisdiction to the City of Williston. AYES: Christensen, Hansen, Bauer, Long, Boyeff, Maristuen, Aafedt. NAYS: None ABSENT/NOT VOTING: None. ABSTAINED: None.

- E. Zone Change from Agriculture to R-5:Mobile Home Court District located in the NE1/2 NE1/2 of Lot 1, Sec. 30, T155N, R100W (8310 13th Ave. E), City of Williston – AWND Properties, LLC, a/k/a, Anderson & Wood Construction

MOTION BY BOYEFF, SECOND BY LONG, to recommend the City Commission approve the Zone Change from Agriculture to R-5:Mobile Home Court District located in the NE1/2 NE1/2 of Lot 1, Sec. 30, T155N, R100W (8310 13th Ave. E), City of Williston. **DISCUSSION: Boyeff asked Laqua if there was some state jurisdiction and regulations related to Mobile Home Parks; Laqua answered yes. Boyeff then suggested that the motion be amended to add the contingency that Anderson Wood also meets all state requirement as well as all staff comments and City requirements as discussed in the presentation. MOTION AMENDED AND SECONDED with the above contingencies. AYES:

Christensen, Hansen, Bauer, Long, Boyeff, Maristuen, Aafedt. NAYS: None ABSENT/NOT VOTING: None. ABSTAINED: None. ****SEE PRESENTATION AND DISCUSSION BELOW**

Aafedt introduced Item E of Public Hearings (as above) and stated that the next said four agenda items are brought by the same applicant, Anderson Wood. She said that Laqua would make one presentation that will address all four items and then Aafedt will ask that public hearing, discussion and motions be heard separately for each entitlement.

Laqua stated that Anderson & Wood's current use is of this property is a crew camp with one existing house, 14 modular or manufactured units and 27 RV parking stalls. They have applied for a zone change to R-5 for their crew camp property located at the corner of 13th Ave E and 84th St E. They have also applied for a special use permit to allow an RV Park on the property, and have applied for two variances, one to allow 2-family duplex dwellings which are smaller than the allowable dwelling size for the zone, and one to allow continued occupancy of the existing house and 7 modular/manufactured structures which are not moving while the others are relocated and site improvements are made.

Laqua began with the Zone Change item.

1. Zone Change to R-5: Mobile Home Park

- a. The applicant proposes to move 7 of the 14 manufactured/mobile units to new locations on the site. As laid out, the plan shows 7 of the units on the south side of the property remaining in location, one unit moving to the northwest corner of the property, and six units moving to the northeast side of the property.
- b. Of these units, there are:
 - i. 3- four bedroom, single family units. These require no known modifications at this time. These are built to HUD standard.
 - ii. 3 – three bedroom units. Each of these is currently operated as three- one bedroom apartments. The applicant has spoken with the building department and will need to remove 2 of the 3 kitchens in order to meet the requirements of the R-5 zone. These are built to HUD standard.
 - iii. 8 – duplex units. Each of these is built to the International Residential Code and is the subject of Variance Request 1. See below.
- c. The property as proposed in the attached site plan meets:
 - i. Minimum district size
 - ii. Rear, side, front yard and separation requirements
 - iii. Off-street parking requirement of 2 spaces per dwelling
 - iv. Access restriction requirements
 - v. Adequate Pedestrian and Cyclist access and interior access
 - vi. Vegetative exterior screening requirements
 - vii. Internal street standards of 10' moving lanes
 - viii. Minimum interior lot size
- d. Other items of note include:
 - i. An existing lay down yard on the east side of the property will be converted to a landscaped area with a current storage building used for maintenance of the RV park and some resident storage.
 - ii. The existing house will be allowed to remain as is. It is currently split into a duplex, which would be allowable in this zone.
 - iii. WATER AND SEWER: This property is served by water and sewer.
 - iv. STORMWATER DETENTION: The stormwater detention on the property should be adequate.
 - v. ACCESS: This property is accessed by 84th St E and 13th Ave E. Currently, the property has one access on 13th Ave E that accesses the western part of

the property, and three accesses on 84th St, one of which accesses the western part of the property and the other two which access the eastern part of the property.

The applicant has requested to become part of a street improvement district through the City which would use a special assessment to pay for 1/3 of the cost of improving 84th St E to the city limits on the far eastern edge of the property. 84th St is currently being improved from Hwy 2/85 to the eastern edge of the intersection with 13th Ave E. The applicant's request would add the eastern portion of the road to this existing project. This road is also accessed by Northern Improvement, which is why the City would consider adding the requested portion to the existing project, rather than requiring pavement by the applicant.

If 84th St is paved to City limits, the applicant will not pave 13th Ave E, and will take all primary access off of 84th St.

At least one access to each area is required to be paved. If a secondary fire access is required, a secondary fire access can generally be gated and left unpaved.

2. SPU for RV Park

a. The applicant has requested an SPU to allow an RV park within the manufactured home court. This is a special permitted use, and is allowable provided that the applicant meets all requirements of the SPU and meets all state standards.

i. State Requirements:

1. The state requires all RV parks to be permitted under a specific permit that falls under Food and Lodging. The applicant is working with the state to ensure that their permit is up to date and the correct permit.

ii. Special Permitted Use Findings:

1. *Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.* The property will have paved access and paved interior access, in addition to separate pedestrian pathways.

2. *Off-street parking and loading areas where required, with particular attention to the items in "1" above and the economic, noise, glare, or odor effects of the special permitted use on adjoining properties and properties generally in the district.* The property has more than the required number of spaces, all of which are located on the interior of the lot or along 84th Street.

3. *Refuse and service areas, with particular reference to the items in "1" and "2" above.* This use will maintain the current refuse and service areas.

4. *Utilities, with reference to locations, availability, and compatibility.* Project is served by existing city water and sewer.

5. *Screening and buffering with reference to type, dimensions, and character.* The landscape plan for the property shows sufficient screening which will need to be installed.

6. *Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.* Signage will need to be in compliance with the signage allowances.

7. *Required yards and other open spaces.* Yards shown on attached site plan are sufficient.
8. *General compatibility with adjacent properties and other property in the district.* The future land use plan which is currently proposed shows this area as very low density. There would be possibility that this could be amended to low density, given its location at the corner of two sections, with medium density shown to the west. The property is within the City annexed area with access to urban services so a low to medium density residential development in this area would not be inconsistent with the future urban build out of the area. This lot also has access to water, sewer, and paved roads. Putting R-5, which is a low density residential zone, in this location would not be considered contrary to the land use plan.
9. *Use shall not impose a hazard to health or property.* Property will need to comply with all Fire Department, Building Department, and State RV inspections and regulations.

3. Variance 1: Dwelling Size

- a. The applicant is requesting a variance to allow a dwelling unit with a size smaller than 600 square feet. 600 square feet is the minimum size allowed for a dwelling unit in the R-5 zone. The applicant is proposing to use 6 duplex units which have an individual dwelling unit size of 589 square feet on the property. These are all IRC-standard units and could be converted to a single family unit of sufficient size by removing a wall and one of the two kitchens.
- b. Variances must meet the following criteria (please see attached for variance section of Ordinance 613):
 - i. Special conditions or circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
 - ii. That literal interpretation of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
 - iii. That the special conditions and circumstances do not result from the actions of the applicant.
 - iv. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district.
- c. The Ad Hoc Committee had no recommendation.
- d. Because this situation could be resolved by removing a wall and a kitchen in each modular unit, which does not seem unnecessarily burdensome, Planning Staff would recommend denial of this variance request.

4. Variance 2: Retention of Occupancy

- a. The applicant is requesting a variance to allow the continued occupancy of the 7 units on the property which are not moving during the site improvement process to meet R-5 standards. Under ordinance and previous decisions, the applicant would need to vacate all structures until the site improvements of exterior paving, interior paving, movement of structures, and conversion of structures has been completed. They would be able to be granted a temporary certificate of occupancy without the landscaping being complete. They would also be able to occupy the RVs on the property prior to site improvements being complete (but after proper certification by

the state), as interior roads for those are not generally required to be paved under the State code. Generally, access to property would also be required to be paved in order to obtain occupancy. The applicant is petitioning the City to add paving of 84th St E to the City limits along their northern property line. The City has approved this request, contingent on the requested zone change being approved, Pherrin Township agreeing to the paving of 84th St, acceptance of the change order by Knife River, and on the City Commission approving the final cost of the project.

- b. This creates two parts of this variance request:
 - i. Retention of occupancy during site improvements of interior paving, movement of structures, and conversion of structures.
 - ii. Retention of occupancy during exterior paving of access roads.
- c. Variances must meet the following criteria (please see attached for variance section of Ordinance 613):
 - i. Special conditions or circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
 - ii. That literal interpretation of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
 - iii. That the special conditions and circumstances do not result from the actions of the applicant.
 - iv. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district.
- d. Variance 2(i): Planning staff would recommend denial of this variance allowing occupancy during internal improvements of the manufactured home court, based on previous decisions and potential precedence. There appear to be no special conditions or circumstances which exist.
- e. Variance 2(ii): If the applicant's petition for paving is approved by the City with the understanding that it is part of a current road improvement project, this may not be an unreasonable request. The City has approved this request contingent on the requested zone change being approved, Pherrin Township agreeing to the paving of 84th St, acceptance of the change order by Knife River, and on the City Commission approving the final cost of the project.

PREVIOUS APPROVALS: Anderson & Wood was granted a Conditional Use Permit from Williams County in. In February of 2013, the property was annexed into the City and further permits were issued under Ordinance 925. Their permitted status as a crew camp under Ordinance 1026 will expire on July 1, 2016.

On Tuesday, May 31, 2016, a special ad hoc was held. Laqua said that at this ad hoc meeting, the group discussed the originally proposed application which was to rezone the property to R-7. All were in agreement that the property should be looked at for an R-5 application, as it was a better fit for the property.

Laqua stated there was also discussion on paving of external roads, discussed above, discussion on the existing house and the building standard of the manufactured/modular units, and discussion regarding the proposed variances. The original application had several different variances requested from what is being examined now; the only one which has remained is the question of retaining

occupancy. The City Attorney was directed to further review, which resulted in the discussed analysis. When the applicant turned in the finalized R-5 application, the additional variance regarding dwelling unit size was added to the application.

CONDITIONS REQUIRED FOR APPROVAL:

1. SPU should be contingent on Zone change being approved by City Commission and on obtaining and clarifying state RV park Permit
2. If the Planning and Zoning Commission wishes to approve the two variance requests, findings from the Commission regarding those approvals must be recorded.
3. Paving plan for 84th St E, in conjunction with City plans.

Laqua concluded her presentation. Aafedt opened the public hearing and asked for any public input.

Appearing for this hearing via phone for Anderson Wood was Fred Oliver and in person was Tom Lynch. Mr. Oliver stated that occupying the mobile homes and/or RV spaces while exterior paving work is being done should not be a question and pointed out the RV park near their property in the Bakken Industrial Subdivision has operated for years with only gravel roads, interior and exterior. Jarcik said that was a decision that got approved as part of the overall Bakken Industrial Park but there is no other situation in the City that where that has occurred or been allowed.

Tom Lynch approached the Commission and spoke to the size of the proposed duplex units being too small by 11 sq. ft. He said they were put in and approved with City approval under their special use permit. Further he added that he had doubts anyone would even notice 11 sq. ft.

Aafedt called twice more for public input; hearing none she closed the public hearing and asked for any discussion or motions from the Commission.

Commissioner Hansen asked about the single family home on the property. Laqua stated it was not an issue; is allowed in the R-5 zone, just built to a higher standard than the modulars.

Commissioner Christensen questioned the comment in the opposition letter from Williston Village, Mobile Home Park and RV Resort pertaining to a required playground. Laqua said that the total area of this property is too small to trigger that requirement.

Commissioner Maristuen asked about permitted RV/camper parks in City limits. Laqua stated that there was the Williston Village in the Bakken Industrial Park and Buffalo Trails. Maristuen then asked Tom Lynch why they felt it was necessary to receive a variance to allow continued occupancy of the modular homes while improvements are being done. Lynch stated that the work would be done by their own employees and several would likely have to come from out of town and also having people occupying the property would help with any security issues. Maristuen asked why they have or need the RV sites. Lynch answered that several people travel to these job locations with their families and having their own RV spot helps them to feel a little more at home in their own space.

Brief discussion about Anderson Wood being a closed crew camp, meaning that only their employees could live in there. Lynch stated that they would like to continue to be a closed camp. Maristuen asked if they could continue to operate as a closed camp if granted the zone change and SPU. City Attorney Evert said he would have to talk to the State about their process and what is allowed with a public permit. Fred Oliver interrupted and stated that they will rent to the public if need be, "we just want to meet the requirements, get the project done and remain open".

Commissioner Boyeff asked staff what the future land use looks like for that area. Jarcik explained that as the future land use map stands right now, this area would look at large lot residential with slower development, low density and with that, the Anderson Wood proposal would be consistent with that.

Commissioner Long asked staff if, during the transition and improvements period of this project, that Anderson Wood would still be able to occupy the house as no improvements are needed in it. Jarcik explained that whether it was one of the modular units or the house they are all single-family homes and should be treated the same way.

Mayor Klug reminded the Commission that aside from the earlier discussion regarding the paving of streets within the mobile home park that there was another project on the SW corner of the Bakken Industrial Park where a small R-5:Mobile Home Court project was approved with the requirement that all roads, external and internal, be fully paved before any occupancy was allowed. To this applicant's variance request to occupy the homes within the project while those internal improvements were being made the Mayor suggested that a precedent had been set disallowing that.

Aafedt asked for any public input specifically to the variance request to allow duplex units smaller than 600 sq. ft. to remain.

Tom Lynch reiterated Anderson Wood's position that they were inspected and approved by the City for their temporary workforce housing permit. He stated that is only 11 sq. ft. difference, that didn't seem to matter upon their initial approval, and that there are remedies but they are costly and would need time to complete. Laqua stated that these duplex units were approved under the special use permit for temporary workforce housing but as Anderson Wood is asking now for a new entitlement they would have to meet the requirements of the ordinance for the requested zoning district.

Lynch stated they expect the cost to take out walls and meet building code would be significant and they are asking for some consideration on this as it is only 2% difference of the total building size.

Commissioner Hansen asked if the duplex units can be modified to meet the R-5 ordinance. Laqua stated that the Building Department has inspected these units and said that they could be. Lynch explained that the duplex units, as they are now, each have two bedrooms, a bathroom, kitchen and living area. Converting them to meet code, they would become a single family home with four bedrooms, two baths, and one kitchen would have to be disabled and removed.

Aafedt asked for any public input specifically to the variance request to allow retention of occupancy during internal improvements.

Fred Oliver stated their concern to have some people living on the property while improvements are being made for site security.

Boyeff asked staff to clarify that Anderson Wood could have no one at all living on site while improvements are being made. Laqua stated they could have people living in the RV sites as long as they first obtain their state permit for the RV campground as an open/public use. Boyeff asked if it was the staff's concern that the safety of people living on site during the improvements. He pointed out that if someone is remodeling their home they are allowed to live in house during renovations. Laqua said that this project would be considered a "green property" as the permit that allows them to be there will expire on July 1, 2016. As with all green property, new builds, all improvements must be finished, inspected and granted a certificate of occupancy prior to being occupied.

Maristuen asked Lynch if they could meet their needs of housing while improvements were being made by using the RV sites rather than the modular units. Lynch stated that the people they would house would be the people doing the improvements. Lynch also stated that they cannot use the RV sites until they are permitted by the State as public sites; at that point they can use them but they have no way to know that the employees coming to do the work have RV's or not. He asked to at least be allowed to use the single-family home on site for housing during improvement work as there is no work to be done on the house. Maristuen asked how many people might live on the property during this time that would not be doing the site improvement work. Lynch said maybe two, both are part of management.

Hansen asked if Pherrin Township had to agree to pavement of 84th Street. Lynch said they had already agreed to that and Jarcik added that part of that project was already under way.

Aafedt asked for any public input specifically to the variance request to allow retention of occupancy during external improvements.

Lynch stated that once their internal improvements are done they would like to take occupancy of the homes; they have no control of the timeline for the work being done on 84th St. Public Works Director Tuan added that there are some alignment issues with 84th St. that may slow the progress of that project as well. Mayor Klug supported that Anderson Wood would have no control over this external road process and this should not hinder their occupancy.

It was understood that Anderson Wood had no control over the external improvements in this case. A separate motion was made for this consideration.

Aafedt finally stated that there is one more item to this project and that is to accept and approve the mobile home site plan that is proposed. She asked for any discussion or a motion.

- F. Variance request to allow existing two-family structures that are less than 600 sq. ft. to remain in an M-5:Mobile Home Court zone - AWND Properties, LLC, a/k/a, Anderson & Wood Construction

See presentation in Public Hearings Item E.

MOTION BY CHRISTENSEN, SECOND BY LONG, to recommend the Board of Adjustments deny the variance request to allow dwelling units with a size smaller than 600 sq. ft. as required by code for the R-5:Mobile Home Court District located in the NE1/2 NE1/2 of Lot 1, Sec. 30, T155N, R100W (8310 13th Ave. E), City of Williston. AYES: Christensen, Hansen, Long, Boyeff, Aafedt. NAYS: Maristuen, Bauer. ABSENT/NOT VOTING: None. ABSTAINED: None. (5-2 to recommend denial)

- G. Variance request to allow for continued occupancy of the single-family house as well as seven modular housing structures to remain in an M-5:Mobile Home Court zone while other structures are relocated and site improvements are made - AWND Properties, LLC, a/k/a, Anderson & Wood Construction

See presentation in Public Hearings Item E.

MOTION BY CHRISTENSEN, SECOND BY MARISTUEN, to recommend the Board of Adjustments deny the variance request for continued occupancy of the single-family house and seven modular

housing structures that will remain in the R-5:Mobile Home Court District while other structures are relocated and **INTERNAL** site improvements are made. AYES: Christensen, Hansen, Long, Maristuen, Aafedt. NAYS: Bauer, Boyeff. ABSENT/NOT VOTING: None. ABSTAINED: None. (5-2 to recommend denial)

MOTION BY MARISTUEN, SECOND BY HANSEN, to recommend the Board of Adjustments approve the variance request for continued occupancy of the single-family house and seven modular housing structures that will remain in the R-5:Mobile Home Court District while **EXTERNAL** site improvements are made. AYES: Christensen, Hansen, Long, Boyeff, Maristuen, Bauer, Aafedt. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None. (Unanimous to recommend approval)

MOTION BY LONG, SECOND BY BAUER, to approve the mobile home site plan for a parcel in the NE1/2 NE1/2 of Lot 1, Sec. 30, T155N, R100W (8310 13th Ave. E), City of Williston, contingent on City Commission approval of the Zone Change to R-5:Mobile Home Court District, completion of all necessary site improvements and addressing all staff comments. AYES: Christensen, Hansen, Long, Boyeff, Maristuen, Bauer, Aafedt. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None.

COMMITTEE REPORT:

- NONE

UNFINISHED BUSINESS:

- A. Short plat for rearrangement of an 11.91 acre parcel in the SW1/4NW1/4 of Section 22, T154N, R101W, into two sublots, north of Hwy 2/85 and east of 27th Ave W and a zone change for the entire property from A: Agricultural to C-2: General Commercial - Martin Reiger/Jeff Ames

**** SEE COMMUNICATIONS ITEM (A) ON PAGE ONE**

NEW BUSINESS:

- A. Special Permitted Use request for an RV park in an R-5:Mobile Home Court zone located in the NE1/2 NE1/2 of Lot 1, Sec. 30, T155N, R100W (8310 13th Ave. E), City of Williston – AWND Properties, LLC, a/k/a, Anderson & Wood Construction

See presentation under Public Hearings Item E.

MOTION BY BAUER, SECOND BY LONG, to approve the Special Permitted Use request for RV parking in an R-5:Mobile Home Court District located in the NE1/2 NE1/2 of Lot 1, Sec. 30, T155N, R100W (8310 13th Ave. E), City of Williston, contingent on City Commission approval of the zone change. ****DISCUSSION:** Boyeff asked if there are special conditions for approval attached to the SPU. Laqua stated that the applicant would have to get their State licensing as an open RV camp site and meet the State regulations thereof. Aafedt asked where the paving requirements would fit in. Laqua said that the paving would be a condition of the variances and the mobile home site plan; RV

parks themselves are not required to be paved. AYES: Bauer, Long, Boyeff, Maristuen, Aafedt. NAYS: Christensen, Hansen ABSENT/NOT VOTING: None. ABSTAINED: None. (5-2 to approve)

B. Special Permitted Use request for a daycare in the R2:Single and Two Family Residential, 614 11th Street East, City of Williston – Krista Hagen

Aafedt introduced Item B of New Business (as above) and asked Laqua to introduce. Laqua stated that this applicant requests a special permitted use for a group child care center in an existing residence located in the R-2: Single and Two Family Residential zone. The facility would be able to accommodate up to 24 children based on social services approval but the applicant only plans on having 20 children in the program. The daycare will be open 5 days a week (Monday through Friday) and will be in operation during normal business hours. The daycare will be in the applicant's residence; she will remain living in the residence. There will be one other employee for a total of two daycare employees.

Laqua stated that the applicant's home has been inspected by both Fire and Building Inspectors and has received a list of steps to complete before a final inspection can be scheduled. The applicant has a daycare license and has been inspected by Social Services. Before Social Services can sign off on the daycare they need to receive an SPU and be inspected and approved by the Fire Department.

The applicant's backyard is fenced and backs up to an alley. The applicant has created a staggered pick-up and drop-off plan for the parents so the residence will not be crowded during peak pick-up and drop-off hours.

There are seven total parking spaces on the property. One parking space is located in the front yard; there are two garage stalls (for employee parking), two spaces on the backyard parking pad, and two more 45 degree angle parking spaces that abut the alley.

At the ad hoc committee meeting held on June 6, 2016, attended by discussion included:

ACCOMMODATION OF REQUIRED PARKING / DROP-OFF AREAS: The applicant clarified that the parking pad in the back yard will be the drop-off and pick-up area. Since 11th St is a heavily trafficked street the Committee agreed that the back entrance would be the best location for pick-up/drop-off to create a safer environment for the children. The employees will be parking in the garage and there are four other spaces available in the back of the house for parents to park. It was suggested that the applicant keep the alley maintained for the parents to access the backyard parking areas. The Committee was concerned about snow removal in the winter since City Public Works does not remove snow in the alleys. The applicant will have to remove the snow in order for the parents to access the parking areas in the back of the property. The applicant is aware of the Committee's concerns and has snow removal equipment available.

Staff Comments:

CITY PLANNING

1. This daycare would be located in the applicant's residence; she will remain living in the residence.
2. The parents/clients will not be parking in the alley. Parents will be directed to the backyard parking spaces as opposed to 11th St. All parking must be on the property and not on 11th St.

4. Social Services visited the home on April 7th and concluded that the residence could accommodate approximately 24 children. Kyla Hansen, the other daycare provider, is a qualified group supervisor and was a licensed childcare provider from 2010 until 2013.

5. The applicant is allowed one identification sign provided that the sign does not exceed two square feet in area.

6. Section 25(H) (3)(a) of the zoning ordinance requires one parking space per teacher/employee on the largest shift plus one space per 10 students for loading and unloading. The total parking requirement for this daycare would be four spaces.

Commissioner Maristuen asked the applicant if there would be any daycare entrance on the front of the house. The applicant stated that there is a door that will lead directly into the daycare (between the house and garage) and there is one parking spot in a front drive way but it is their intention and will be included in their daycare contracts that all drop-off and pick-up be done through the rear of the home and off of the public street.

MOTION BY CHRISTENSEN, SECOND BY BAUER, to approve the Special Permitted Use request for a daycare in the R2:Single and Two Family Residential, 614 11th Street East, City of Williston, contingent on both Fire and Building Inspection approval and addressing all staff and ad hoc comments. AYES: Christensen, Hansen, Bauer, Long, Boyeff, Maristuen, Aafedt. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None.

- C. Special Permitted Use request to add a fourth oil well to a previously permitted three pad well site located in the SWSW, Sec. 8, T154N, R100W (5166 134th Ave. NW) in the extra-territorial jurisdiction to the City of Williston – Triangle Petroleum/Ellis Olson, LLC

Aafedt introduced Item C of New Business (as above) and asked Ching to introduce. Ching stated this application requests a special permitted use (SPU) to add a fourth oil well to a previously approved three-well pad.

The property is located within the City's one mile extra-territorial jurisdiction. The City Commission approved the zone change in April 2016 from County Industrial to M-1: Light Industrial.

Ching reminded the Planning Commission that they approved an SPU for three wells on this property in November, 2015.

Conditions of that approval included:

1. The SPU only applies to the first three wells; this pad was intended to include 12 wells at a later point.
2. The applicant would have to request another SPU if they were to add in additional wells on the site
3. The applicant would have to meet fencing and screening requirements. These include:
 - a. A full-perimeter security fence and trees on the west side of County 9, wrapping around the north and south side as necessary
 - b. Un-slatted chain link on the rest of the north, east, south side was recommended

Ching said that there is a rural water line running along this property and the County Road. Triangle Petroleum has submitted a rural water application in order to water the required trees. The property will take access from County Road 9 by an existing road off from Ellis/Olson property to the north of the

pad.

At the ad hoc committee meeting held on June 6th, 2016, discussions included:

Adding the Fourth Well: Applicant states that adding one additional well to the current pad will be more efficient for fracking.

Screening: Applicant will install trees and fences on the west side of the pad, wrapping around the north and south side. There was clarification on the location of the trees and fences. It was determined that the trees and fences should be located on the bottom of the berm on the west side of the property. The applicant will have to provide a watering plan. **Note: After the Ad Hoc meeting, the applicant contacted the rural water district and has applied to tap into the rural water line. The applicant has also submitted a note from their contractor, who has stated that, though the ad hoc committee recommended installing trees by July 31 (the City landscape ordinance deadline), the nursery providing the trees has recommended waiting until Fall in order to give the trees the highest chance of survival.**

Flaring: The flare pit will be in the SE corner of the pad. The applicant noted that they might not have a flare shield during the first couple days of fracking. The committee directed the applicant to provide a detailed flare or shield plan since that was a concern from the Commission for the previous three wells. **Explanation and site plan provided in Commission packets.**

Truck Traffic: The applicant had previously estimated for the first three wells that there would be 8 to 10 trucks per day per well during fracking (32 to 40 trucks for the four wells total). The applicant states that essentially should be about seven trucks total per day when they start to operate. There was a question on where the trucks will be heading; the applicant said they would be disposing the saltwater north of town at the 13-mile corner so it is more likely the trucks will leave the site north on County Road 9 rather than coming in and through town.

Hours of Operation: The wells will run 24 hours a day once they start drilling. Once the drilling is completed the hours for trucks hauling would be only during daylight hours. There is a possibility there would be additional trucks on the pad site if there were to be an emergency on the site.

Conditions Required for Approval:

1. Planning and Zoning Commission agreeing to allow planting of trees to occur in the fall of 2016.
2. Applicant providing a detailed flare shield plan which fully shields flare from residences to the north, south and west, except for occasional 30' flares during fracking (*complete*) and Planning and Zoning Commission approving said plan.
3. A Rural Water Application being submitted (*complete*) and approved to provide a watering plan for said trees.

Ching said that if this fourth well were approved, staff would prepare and record findings for this well (findings for the first three wells are already recorded) and that all previous conditions of this well pad site would stand.

Don Flesness spoke from the audience. His residence is about 1000 ft. from the pad site and he wondered what the noise level of the electric pumps would be as they would operate 24 hours a day. Representing Triangle Petroleum were Craig Salveson and John Merkel who stated a will pump puts out about 65 decibels of sound; Flesness noted that is less than the level of a vacuum cleaner. Flesness then asked whether this well pad site was going to be pipelined. Salveson and Merkel stated that it would be and that Oneok is working on the pipeline easements at this time.

Commissioner Christensen addressed the Triangle Petroleum representatives and stated that he agreed with the landscapers in holding off planting the trees until fall but asked when they would intend to install the fence; Merkel stated they would plan to install the fence after the trees are planted because of the drip lines that will need to be placed and such. Commissioner Hansen interjected that this was discussed at ad hoc as well and that it would be best to install the fence once the pad and well work was done otherwise sections of the fence would have to be taken down and put back up to avoid damaging it. Christensen was understanding of that.

Commissioner Boyeff asked whether a NDIC application had been submitted and approved for this additional well; Salveson answered yes to both.

Commissioner Hansen added that as a resident in the area of this project she has found that Triangle Petroleum has done more than just meet expectations on this project.

MOTION BY HANSEN, SECOND BY BOYEFF, to approve the Special Permitted Use request to add a fourth oil well to a previously permitted three pad well site located in the SWSW, Sec. 8, T154N, R100W (5166 134th Ave. NW) in the extra-territorial jurisdiction to the City of Williston, contingent on meeting all conditions required for approval. (Listed above) AYES: Christensen, Hansen, Bauer, Long, Boyeff, Maristuen, Aafedt. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None.

D. Expansion of Special Permitted Use from Sublot 14 to the proposed Sublot 16 for an animal shelter in a P: Parks District, Section 36, T154N, R101W

Aafedt introduced Item D of New Business (as above) and asked Laqua to introduce. Laqua said this is a request for a reaffirmation and expansion of an SPU first granted in November of 2014 for an animal shelter in a P: Parks and Open Space District. Because the property will be expanding and the new building will be making use of the expanded property, the City Attorney directed that the special use permit be reexamined and affirmed.

This property is intended for use by the MonDak Humane Society. The Planning and Zoning Commission recorded their special permitted use findings. The project required the following items:

1. Entry road and all required parking must be paved with concrete or hot-mix asphalt.
2. Parking requirements will be determined at the time of building permit.
3. Building plans shall indicate location of refuse service areas, to be reviewed by the Sanitation Division
4. Public water is available; the City has taken over the existing rural water line. Public sewer is not available. The facility would be served by septic system until such time as public sewer becomes available in this area, at which time the facility would be required to connect to that sewer.

5. Any area of outside enclosures for animals shall be fenced and screened with vegetation so as to not be visible from the street.
6. Signage is allowed as in the P:Parks and Open Space district by zoning ordinance Section 17(L).
7. There are no required yards or open spaces for this project.
8. Compliance with the requirements of this SPU would negate any impacts to surrounding uses.
9. Animals will be either in buildings or in fenced exterior yard. Animals will be indoors at night.

Sublot 16 will be a 4.99 acre parcel. The property will take access of off 2nd Ave West. The findings as directed above should be sufficient to mitigate any effects of enlarging the building and property.

At the ad hoc meeting held on June 6, 2016, the committee discussed the analysis of the short plat and concerns about the special use permit being expanded. The committee discussed that the items in the SPU findings probably covered the needs of this property but that it should be reaffirmed by the Commission.

The committee also discussed the septic system and needs of the shelter. It was discussed that the Upper Missouri District Health unit would ensure that the septic system met the unique needs of the shelter.

The fact that there would be outdoor runs for use during the day was discussed, as was the fact that interior concrete block walls would be used as noise control. Also discussed was the funding mechanism of the facility. The representative, Jeff Miller of Redline Services, said that the facility was being built with donated funds, but that there are many donations made throughout the year. Miller also noted that in the future, the City pound will be located there, and they are looking into the potential of a boarding facility as well.

MOTION BY LONG, SECOND BY MARISTUEN, to approve the Expansion of a Special Permitted Use from Sublot 14 to proposed Sublot 16 for an animal shelter in a P: Parks District, Section 36, T154N, R101W, City of Williston. AYES: Christensen, Hansen, Bauer, Long, Boyeff, Maristuen, Aafedt. NAYS: None ABSENT/NOT VOTING: None ABSTAINED: None.

E. Vacation of Drainage Easement in the S1/2 NE1/4, Sec. 34, T155N, R101W in the extra-territorial jurisdiction to the City of Williston – Oasis Petroleum and Floyd Miller

Aafedt introduced Item E of New Business (as above) and asked Laqua to introduce. Laqua stated the applicant is requesting to vacate two easements and dedicate one easement to the City of Williston.

Vacations:

1. A 120' and 80' wide easement for public ingress/egress which is located on the north side of Sublot 11 and Sublot 15, and on the south side of MS 15-0027
2. A drainage easement which is located along the 100 year flood plain + 1 foot in width, located east and west of the property line between MS 15-0026 and MS 15-0027

In place of these two easements, the applicant will dedicate a 100' wide drainage and access easement on either side of the shared property line between MS 15-0026 and MS 15-0027. This drainage easement will hold the same amount of water in the ditches for the road as the original drainage easement. This road will be built as part of an agreement between Oasis and Floyd Miller.

Laqua explained that this proposed drainage and access easement in addition to an existing access easement on the south side of MS 15-0026 and the north side of Sublot 15 will maintain future public ingress and egress to properties west of MS 15-0026. The current easements were approved by the County at the time of approval of plats for MS 15-0026 and 15-0027.

At the ad hoc committee meeting held on June 6th, 2016, discussion included:

1. *Retention of a small piece (50 ft. section) of the access easement on MS 15-0027 and Sublot 15, in order to create an appropriate corner for a road to the west.*
2. *Confirmation that the north-south road and corresponding drainage ditches will be constructed as part of an agreement between Floyd Miller and Oasis.*
3. *Overall drainage flows in the area.*

CONDITIONS REQUIRED FOR APPROVAL

1. Public Hearing at City Commission, scheduled for June 28, 2016, to approve the two vacation requests.
2. Acceptance of proposed dedication by the City Commission, scheduled for June 28, 2016.
3. Edit of proposed vacation on MS 15-0027 and Sublot 15, as seen in ad hoc comments.

Attorney Kent Rierson, representing Oasis Petroleum, spoke briefly explaining how Oasis came into possession of this property, the need to maintain access to Mr. Miller's property and to correct the drainage control adding that currently the drainage is basically free flowing. He stated that Oasis agrees to retain the 50 ft. section of public ingress/egress to create a property corner as explained by Laqua.

MOTION BY BOYEFF, SECOND BY CHRISTENSEN, to approve the vacation of a 120' x 80' wide easement for public ingress/egress which is located on the north side of Sublot 11 and Sublot 15, and on the south side of MS 15-0027, contingent on meeting the conditions required for approval as discussed. (above) AYES: Christensen, Hansen, Bauer, Long, Boyeff, Maristuen, Aafedt. NAYS: None ABSENT/NOT VOTING: None. ABSTAINED: None.

F. Vacation of Street Right-of-Way Easement in the S1/2 NE1/4, Sec. 34, T155N, R101W in the extra-territorial jurisdiction to the City of Williston – Oasis Petroleum and Floyd Miller

See Presentation in New Business Item E.

MOTION BY MARISTUEN, SECOND BY HANSEN, to approve the vacation of a drainage easement which is located along the 100 year flood plain + one-foot in width, located east and west of the property line between MS 15-0026 and MS 15-0027, contingent on meeting the conditions required for approval as discussed. (in Item 8E) AYES: Christensen, Hansen, Bauer, Long, Boyeff, Maristuen, Aafedt. NAYS: None ABSENT/NOT VOTING: None. ABSTAINED: None.

G. Appeal of Zoning Enforcement Decision for property located at 1505 58th St. W, Keith Kulland – Staff

Aafedt introduced Item G of New Business (as above) and asked Jarcik to introduce. Jarcik stated that the violation in this matter is multiple campers for residential purposes. Specifically, two RV's on the property are being occupied. Mr. Kulland's property is located on the corner of 58th St. (REC road) and 16th Ave. E and is zoned Agricultural.

Jarcik said this item was brought to the attention of the Code Enforcement Department by a complaint and was logged as a code violation on April 15th, 2016. The code violation specifically addresses the use of multiple campers for residential purposes. The property is zoned Agriculture. Campers are not listed as a permitted residential use in the Agriculture zoning district. On May 24th he met with Mr. Kulland and Richard DeBrunner of the Code Enforcement Department to clarify the listed zoning violation, the permitted uses of the Agriculture zoning district and appeal process including the first meeting before the Planning and Zoning Commission on June 20th, 2016.

Jarcik explained that the code enforcement letter that was originally sent was the standard code enforcement letter based on the ordinance 950. This ordinance was taken into consideration and adopted by the City Commission in 2012 in response to the rapid growth cycle and issues that occurred impacting public health, welfare and safety during the housing shortage. This specific ordinance applied to the City limits. However, the zoning ordinance is a permitted uses ordinance and camper vehicles are not permitted in any zone except as specifically listed and permitted in the R-5 and R-7 zones. The ordinance 950 was a means to respond to the impacts of rapid growth that occurred and to clarify in what circumstances camper vehicles could be used in the City limits.

The agriculture zone of the zoning ordinance does not include campers as a permitted use for human habitation or residential purposes. Jarcik said there are numerous agriculture zoned properties within the City limits and extraterritorial jurisdiction of the City of Williston. As it is not listed in the ordinance as a permitted use there is nothing that regulates the number of campers that could be allowed or siting requirements.

The item was noted for information purposes only at the ad hoc committee meeting held on June 6, 2016 as to it being on the agenda and the violation in question.

Keith Kulland addressed the Commission and stated that the reason he has so many campers on his property is that he sells them. He has one man living in a camper that has no source of income, is waiting on a disability qualification. Kulland said this man doesn't have money to insure or put fuel in his pick-up to even move the camper off of Kulland's property and certainly could not pay to park it anywhere else.

Kulland said the second individual living in a camper on his property works for Kulland doing yard work and other odds and ends around there. Again he stated this gentleman would not have the financial means to move anywhere off of the Kulland property.

Kulland stated that he does not charge nor receive any rent from either of these gentlemen and there is no financial gain to him. Commissioner Christensen told Kulland that if the Commission allowed this for him it would open the door to others doing the same and would only create more trouble.

Commissioner Maristuen asked Jarcik to explain what the Planning & Zoning Commission's role in this appeal is. Jarcik explained that the P&Z Commission would make a recommendation to the City Commission Board of Adjustments. City Attorney Evert added that the P&Z Commission would either affirm the Planning & Zoning Director's interpretation of violation or they would recommend that the interpretation be overturned.

Commissioner Aafedt asked the staff if there were any other occupied RVs permitted in the Agriculture Zone in Williston. Staff affirmed that there are not.

Mr. Kulland's daughter, Janice Kulland-Strande, attended this hearing via phone. She stated a concern that the two gentlemen residing on her dad's property would end up homeless and asked if

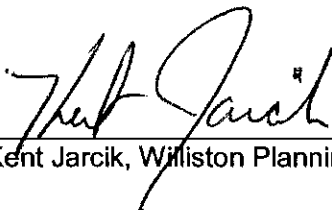
there were any social services in Williston that could help address that. Permitted RV parks, hotels and the Salvation Army were mentioned.

MOTION BY BAUER, SECOND BY HANSEN, to affirm the interpretation and decision of this zoning violation. AYES: Christensen, Hansen, Bauer, Long, Boyeff, Maristuen. NAYS: None ABSENT/NOT VOTING: Aafedt. ABSTAINED: None.

Kulland then asked the Commission how much time he had to have the people out of the campers. City attorney Evert stated that Kulland could appeal the Planning and Zoning Commission decision to the City Commission Board of Adjustments. Evert told Kulland that if he chose to do that a list of instructions on how to make that request would be given to him and explained that he would be granted a stay of any action against him until his appeal could be heard by the Board of Adjustment. Kulland stated that he wanted to proceed with that option.

DATE OF NEXT REGULAR MEETING: July 18, 2016

MEETING ADJOURNED.



Kent Jarcik, Williston Planning Director

APENDIX TO THE
CITY OF WILLISTON PLANNING & ZONING COMMISSION MEETING
JUNE 20, 2016

1. Special Permitted Special Permitted Use request for an RV park in an R-5:Mobile Home Court zone located in the NE1/2 NE1/2 of Lot 1, Sec. 30, T155N, R100W (8310 13th Ave. E), City of Williston – AWND Properties, LLC, a/k/a, Anderson & Wood Construction
2. Special Permitted Use request for a daycare in the R2:Single and Two Family Residential, 614 11th Street East, City of Williston – Krista Hagen
3. Special Permitted Use request to add a forth oil well to a previously permitted three pad well site located in the SWSW, Sec. 8, T154N, R100W (5166 134th Ave. NW) in the extra-territorial jurisdiction to the City of Williston – Triangle Petroleum/Ellis Olson, LLC
4. Expansion of Special Permitted Use from Sublot 14 to the proposed Sublot 16 for an animal shelter in a P: Parks District, Section 36, T154N, R101W, City of Williston – Mondak Humane Society